

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

KIPP GIBBS, individually and on
behalf of all other similarly situated,

Plaintiff,

v.

SLM CORPORATION, SALLIE MAE
SERVICING L.P., NELLIE MAE, USA
FUNDS, and GENERAL REVENUE
CORPORATION,

Defendants.

Civil Action No. 03-CV-12565-PBS

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED CLAIMS
FOR NEGLIGENCE (COUNT III) AND BREACH OF CONTRACT (COUNT V)**

The Defendants SLM Corporation, Sallie Mae Servicing, L.P., Nellie Mae, United Student Aid Funds, Inc ("USA Funds"), and General Revenue Corporation (collectively the "Defendants") hereby move to dismiss the Plaintiff's Amended Claims for Negligence (Count III) and Breach Of Contract (Count V). The grounds for this motion are set forth in the accompanying memorandum of law.

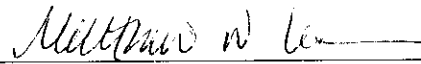
WHEREFORE, the Defendants respectfully request that the Amended Claims for Negligence (Count III) and Breach of Contract (Count V) be dismissed with prejudice.

Dated: October 14, 2004

Respectfully submitted,

SLM CORPORATION, SALLIE
MAE SERVICING L.P., NELLIE
MAE, USA FUNDS, and
GENERAL REVENUE
CORPORATION,

By their attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of
the above document was served upon the
attorney of record for each party by ^{overnight} mail/~~by hand~~

Date: ^{10/14/04} 